



040204

13281 U.S. PTO

PTO/SB/50 (06-03)

Approved for use through 01/31/2004. OMB 0651-0033

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## REISSUE PATENT APPLICATION TRANSMITTAL

Address to:  Mail Stop Reissue Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No.	1662/42499
	First Named Inventor	C. Singer et al.
	Original Patent Number	6,365,574
	Original Patent Issue Date (Month/Day/Year)	April 2, 2002
	Express Mail Label No.	

APPLICATION FOR REISSUE OF:  
(check applicable box)☒ Utility Patent☐ Design Patent☐ Plant Patent

## APPLICATION ELEMENTS (37 CFR 1.173)

1. ☒ Fee Transmittal Form (e.g., PTO/SB/56)  
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status. See 37 CFR 1.27.
3. ☒ Specification and Claims in a double column copy of patent format (amended, if appropriate)
4. ☒ Drawing(s) (proposed amendments, if appropriate)
5. ☐ Reissue Oath / Declaration (original or copy)  
(37 C.F.R. 1.175)(PTO/SB/51 or 52)
6. ☒ Power of Attorney
7. Original U.S. Patent currently assigned? ☒ Yes ☐ No  
(If Yes, check applicable box(es))
  - ☐ Written Consent of all Assignees (PTO/SB/53)
  - ☒ 37 C.F.R. 3.73(b) Statement  
(PTO/SB/96)
8. ☐ CD-ROM or CD-R in duplicate, Computer Program  
(Appendix) or large table
9. Nucleotide and/or Amino Sequence Submission  
(if applicable, all of the following are necessary)
  - a. ☐ Computer Readable Form (CFR)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM (2 copies) or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

10. ☐ Statement of status and support for all changes to the claims.  
See 37 CFR 1.173(c).
11. ☐ Original Patent Grant
  - ☐ Ribbioned Original Patent Grant
  - ☐ Statement of Loss (PTO/SB/55)
12. ☐ Foreign Priority Claim (35 U.S.C. 119)  
(if applicable)
13. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
14. ☐ English Translation of Reissue Oath/Declaration  
(if applicable)
15. ☒ Preliminary Amendment
16. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
17. ☒ Other: Original Declaration and  
Statement of Intent to Broaden Claims

## 18. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number:	23838	OR	<input type="checkbox"/> Correspondence address below
Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

NAME (Print/Type)	W. David Wallace	Registration No. (Attorney/Agent)	42,210
Signature	<i>W. David Wallace</i>	Date	April 2, 2004

This collection of information is required by 37 CFR 1.173. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Reissue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 488787

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REISSUE APPLICATION FEE TRANSMITTAL FORM					Docket Number (Optional) 1662/42499			
Claims as Filed - Part 1								
Claims in Patent	For	Number Filed in Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity		
				Rate	Fee		Rate	Fee
(A) 15	Total Claims (37 CFR 1.16(j)) Independent Claims (37 CFR 1.16(i))	(B) 26	11	X\$_____ =	\$	or	X\$18.00 =	\$198.00
(C) 1		(D) 5	2	X\$_____ =			X\$86.00 =	172.00
Basic Fee (37 CFR 1.16(h))					\$	OR	\$ 770	
Total Filing Fee					\$		\$ 1140.00	
Claims as Amended - Part 2								
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity	
					Rate	Fee		Rate
Total Claims (37 CFR 1.16(j))	...	MINUS	..	*=	X\$_____ =	or	X\$_____ =	
Independent Claims (37 CFR 1.16(i))	...	MINUS	*****	= 0	X\$_____ =		X\$_____ =	
Total Additional Fee					\$	OR	\$	
<p>* If the entry in (D) is less than the entry in (C), Write "0" in column 3.</p> <p>** If the "Highest Number of Total Claims Previously Paid For" is less than 20, Write "20" in this space.</p> <p>*** After any cancellation of claims</p> <p>**** If "A" is greater than 20, use (B - A); if "A" is 20 or less, use (B - 20).</p> <p>***** "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).</p> <p><input type="checkbox"/> Applicant claims small entity status. See 27 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Please charge Deposit Account No. 11-0600 in the amount of \$1140.00 . A duplicate copy of this sheet is enclosed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. 11-0600 . A duplicate copy of this sheet is enclosed.</p> <p><input type="checkbox"/> A check in the amount of \$ _____ to cover the filing / additional fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on form PTO-2038.</b></p> <p>April 2, 2004 _____ Date Signature of Applicant, Attorney or Agent of Record</p> <p>42,210 _____ Registration Number, if applicable Typed or printed name</p>								

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REISSUE APPLICATION OF : Claude Singer et al.  
REISSUE APPLICATION FILED : April 2, 2004  
PATENT NO. : 6,365,574 B2  
GRANTED : April 2, 2002  
FOR : Ethanolate of Azithromycin, Process for  
Manufacture, and Pharmaceutical  
Compositions Thereof  
GROUP ART UNIT : Unassigned  
EXAMINER : Unassigned  
BOX : **REISSUE**

Mail Stop Reissue  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT OF INTENT TO BROADEN CLAIMS UNDER 35 U.S.C. § 251


S I R:

Applicants hereby state their intent to broaden the claims in the reissue proceeding for the above-identified patent. This statement of intent to broaden the claims is submitted to the Office within two years from the date on which the patent was granted.

The Office is invited to contact the undersigned at (202) 220-4200 to discuss any aspect of this Reissue application. The Office is hereby authorized to charge any fees required in connection with the filing of this paper or credit any overpayment to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

Date: 4/2, 2004

By:   
W. David Wallace  
Reg. No. 42,210

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